## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UNITED STATES OF AMERICA |  |  |  |  |  |  |
|--------------------------|--|--|--|--|--|--|
|                          | Plaintiff  | f,   | ) 8:05MJ139<br>)   |  |  |  |
|                          | vs.  |  | )<br>) DETENTION ORDER   |  |  |  |
| RICI                     | HARD CARMONA,  |  | )<br>)   |  |  |  |
|                          | Defendant.   |  | )<br>)   |  |  |  |
| F                        | Order For Detention  After the defendant waived a detention hearing pursuant to 18 U.S.C.§ 3142(f) of the Bail Reform Act on October 13, 2005, the Court orders the above-named defendant detained pursuant to 18 U.S.C.§ 3142(e) and (i).   |  |  |  |  |  |
| <u>-</u>                 | Statement Of Reasons For The Detention  The Court orders the defendant's detention because it finds:  X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.   |  |  |  |  |  |
| \                        | which was contained in the waster of the was contained in the contained in | he Pretrial Services ircumstances of the rime: bank robbery in the sentence of twe fense is a crime of vifense involves a na   | n violation of 18 U.S.C. § 2113(a) carries a enty years imprisonment. violence.  |  |  |  |
| -                        | X   T   X   T   X   T   X   T   X   T   T  | The defendant appearance whether the defendant has not he defendant has not he defendant is not he defendant does has conduct of the defendant has a federedant | history relating to drug abuse. history relating to alcohol abuse. significant prior criminal record. prior record of failure to appear at court arrest, the defendant was on: |  |  |  |

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|          |     |                            | Release pending trial, sentence, appeal or completion of sentence.  |
|----------|-----|----------------------------|---|
|          |     | (c)                        | Other Factors:  |
|          |     | , ,                        | The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation  |
|          |     |                            | if convicted.   |
|          |     |                            | The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.  |
| V        | (4) | Thom                       | Other:  |
| <u>X</u> | (4) | are as<br>bank i<br>crimin | ature and seriousness of the danger posed by the defendant's release follows: The defendant was on supervised release following an earlier robbery conviction at the time of this offense. He has an extensive all history. He has a history of substance abuse. He was noncompliant ne conditions of his supervised release. |
| Χ        | (5) | Rahui                      | ttable Presumptions   |
|          | (5) |                            | ermining that the defendant should be detained, the Court also relied on  |
|          |     |                            | llowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)  |
|          |     |                            | the Court finds the defendant has not rebutted:   |
|          | Υ   |                            | That no condition or combination of conditions will reasonably assure   |
|          |     | _ (a)                      | the appearance of the defendant as required and the safety of any   |
|          |     |                            | other person and the community because the Court finds that the crime   |
|          |     |                            |   |
|          |     |                            | involves:   |
|          |     |                            | X (1) A crime of violence; or   |
|          |     |                            | (2) An offense for which the maximum penalty is life  |
|          |     |                            | imprisonment or death; or   |
|          |     |                            | (3) A controlled substance violation which has a maximum  |
|          |     |                            | penalty of 10 years or more; or   |
|          |     |                            | (4) A felony after the defendant had been convicted of two or   |
|          |     |                            | more prior offenses described in (1) through (3) above, and   |
|          |     |                            | the defendant has a prior conviction for one of the crimes  |
|          |     |                            | mentioned in (1) through (3) above which is less than five  |
|          |     |                            | years old and which was committed while the defendant was on pretrial release.  |
|          |     | _ (b)                      | That no condition or combination of conditions will reasonably assure   |
|          |     | ` '                        | the appearance of the defendant as required and the safety of the   |
|          |     |                            | community because the Court finds that there is probable cause to   |
|          |     |                            | believe:  |
|          |     |                            | (1) That the defendant has committed a controlled substance   |
|          |     |                            | violation which has a maximum penalty of 10 years or more.  |
|          |     |                            | (2) That the defendant has committed an offense under 18  |
|          |     |                            | U.S.C. § 924(c) (uses or carries a firearm during and in  |
|          |     |                            | relation to any crime of violence, including a crime of   |
|          |     |                            | violence, which provides for an enhanced punishment if  |
|          |     |                            | ·   |
|          |     |                            | committed by the use of a deadly or dangerous weapon or device).  |

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 14, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge